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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**

7
8 German B Valdez,
9 Petitioner,
10 v.
11 Mark Brnovich, et al.,
12 Respondents.

13 No. CV-17-00509-TUC-RM
14 **ORDER**

15 On November 1, 2019, Magistrate Judge D. Thomas Ferraro issued a Report and
16 Recommendation (Doc. 22) recommending that this Court dismiss Petitioner German B.
17 Valdez's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Petition
18 was filed on October 12, 2017 (Doc. 1), the Government responded (Docs. 7–19), and
19 Petitioner replied (Doc. 20). No objections to the Report and Recommendation were
filed.

20 A district judge must "make a de novo determination of those portions" of a
21 magistrate judge's "report or specified proposed findings or recommendations to which
22 objection is made." 28 U.S.C. § 636(b)(1). The advisory committee's notes to Rule
23 72(b) of the Federal Rules of Civil Procedure state that, "[w]hen no timely objection is
24 filed, the court need only satisfy itself that there is no clear error on the face of the record
25 in order to accept the recommendation" of a magistrate judge. Fed. R. Civ. P. 72(b)
26 advisory committee's note to 1983 addition. *See also Johnson v. Zema Sys. Corp.*, 170
27 F.3d 734, 739 (7th Cir. 1999) ("If no objection or only partial objection is made, the
28 district court judge reviews those unobjected portions for clear error."); *Prior v. Ryan*,

1 CV 10-225-TUC-RCC, 2012 WL 1344286, at *1 (D. Ariz. Apr. 18, 2012) (reviewing for
2 clear error unobjected-to portions of Report and Recommendation).

3 The Court has reviewed Judge Ferraro's Report and Recommendation, the parties'
4 briefs, and the record. The Court finds no error in Judge Ferraro's Report and
5 Recommendation. Accordingly,

6 **IT IS ORDERED** that the Report and Recommendation (Doc. 22) is **accepted**
7 and adopted in full.

8 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus
9 pursuant to 28 U.S.C. § 2254 (Doc. 1) is **dismissed**. The Clerk of Court is directed to
10 enter judgment accordingly and close this case.

11 **IT IS FURTHER ORDERED** that, pursuant to Rule 11 of the Rules Governing
12 Section 2254 Cases, the Court declines to issue a certificate of appealability, because
13 reasonable jurists would not find the Court's ruling debatable. *See Slack v. McDaniel*,
14 529 U.S. 473, 478, 484 (2000).

15 Dated this 19th day of December, 2019.

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Honorable Rosemary Márquez
United States District Judge